



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-079

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

The rule places criteria that identifies air pollution sources not eligible for the waiver of construction permit requirements in two separate provisions, the last sentence in s. NR 406.03 (2) (a) and in s. NR 406.03 (2) (f). The preferred drafting style is to place comparable provisions in shared or adjacent text.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the treatment clause for SECTION 1, a comma should be placed before “as renumbered.”

b. The department should review the use of the phrase “initially operated” in s. NR 406.03 (2) (e) to ensure that the provision is clear and can be consistently applied. For example, does the initial operation of a source include operating the source at a small portion of its capacity to conduct testing of pollution control or process equipment?

c. The use of the phrase “diligently respond” in s. NR 406.03 (2) (g) is potentially ambiguous. The department should review the use of this phrase to ensure that it is clear.